

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MALRY TARDD and OTTO WHITE,

Plaintiffs,

-against-

**ORDER**

CV 04-3262 (ADS)(ARL)

BROOKHAVEN NATIONAL LABORATORY,  
et al.,

Defendants.

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**LINDSAY, Magistrate Judge:**

Before the court is the defendants' letter application dated January 25, 2006, seeking leave to continue the deposition of the plaintiff Malry Tardd ("Tardd") beyond the seven hour time period provided by Rule 30(d)(2). The plaintiffs' oppose this application.

Rule 30 provides that a deposition is presumptively limited to seven hours unless the court determines that allowing additional time is consistent with a fair examination of the deponent. This court can find no such basis for extending the deposition of Tardd. The defendants attempt to justify their request by overstating the complexity of this action, describing it as a case that spans 30 years. No such allegation is made in the complaint. Moreover, although there are fifteen named defendants, the allegations by Tardd implicate only seven of the defendants permitting defense counsel ample time to examine plaintiff. Nor can this court find justification for extending this deposition in Tardd's responses. The defendants point to several inconsistencies in Tardd's responses as a basis for continuing her deposition. Inconsistent testimony, in the absence of any attempt to disrupt or delay the proceedings, does not provide a basis for extending a deposition beyond the presumptive limit. Accordingly, the defendants application is denied.

Dated: Central Islip, New York  
January 31, 2006

**SO ORDERED:**

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ARLENE R. LINDSAY  
United States Magistrate Judge